

REMARKS

In the present Office Action, claims 1-16 are pending. Claims 4, 5 and 16 have been objected to as presented in improper form because of improper multiple dependency. Claims 1-3 and 6-15 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly not enabled by the supporting specification.

Claims 1-3 and 6-15 are rejected under 35 U.S.C. §112, second paragraph, as allegedly failing to properly define the subject matter intended to be claimed. Finally, the Examiner has rejected Claims 1-3 and 6-15 under 35 U.S.C. §103 as obvious over Maher, M., et al. "*The Acute Pancreatotoxic Effects of the Plant Nitrile 1-Cyano-2-hydroxy-3-butene*", Pancreas 6(2): 168-174 (1991) (hereinafter "Maher") and Bhatia, M., et al. "*Induction of Apoptosis in Pancreatic Acinar Cells Reduces the Severity of Acute Pancreatitis*", Biochemical and Biophysical Research Communications 246: 475-483 (1998) (hereinafter "Bahtia") and in view of MEDLINE 2000050292, Kelly, et al., International J. Experimental Path., 1999 Aug 80 (4) 217-26 abstract (hereinafter "MEDLINE").

This response addresses each of the rejections and objections of record. Therefore, Applicant respectfully submits that the present case is in condition for allowance. Favorable consideration of all the pending claims is respectfully requested.

In the first instance, Applicant has redrafted all claims in a proper format to eliminate any improper multiple dependency. Accordingly, this objection is overcome and withdrawal thereof is respectfully requested.

Claims 1-3, 6-7, 10-13 and 15 have been rejected under 35 U.S.C. §112, first

paragraph, as allegedly non-enabled in respect to any relevant disclosure of required dosages. The Examiner acknowledges that CHB induces apoptosis of acinar cells. Accordingly, once a compound selective against cancer cells is identified, the determination of an actual dose is relatively a routine step. In addition, the specification provides dosage ranges (see, for example, at page 5, lines 19-23). Thus, the specification is enabling for specific dose ranges readily determined by one skilled in the art. Accordingly, the rejection under 35 U.S.C. §112, first paragraph, is overcome. Applicant therefore respectfully requests withdrawal of the rejection of Claims 1-3, 6-7, 10-13 and 15.

Claims 1-3 and 6-15 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Applicant has amended claims 1-3 and 6-15 consistent with the recommendations of the Examiner in an effort to expedite favorable prosecution. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 1-3 and 6-15 under 35 U.S.C. §112, second paragraph.

Claims 1-3 and 6-15 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Bhatia or Maher in view of MEDLINE. Maher allegedly teaches that cyanohydroxybutene (CHB) causes apoptosis of pancreatic acinar cells following a single dose given by gavage, i.e., introduction of CHB into the stomach by a tube. Bhatia allegedly discloses that CHB causes apoptosis of pancreatic acinar cells following a single dose given intravenously. MEDLINE discloses subcutaneous administration of CHB. However, as admitted by the Examiner, none of the cited references, either in combination or individually, teach or suggest subcutaneous or intra-arterial

administration of CHB as recited in the present claims, or provide motivation to a person of ordinary skill in the art to employ subcutaneous or intra-arterial administration of CHB in the treatment of a diseased subject. Accordingly, the combination or modification of the prior art references as contemplated by the Examiner is improper and Applicant respectfully requests withdrawal of rejection of claims 1-3 and 6-15 under 35 U.S.C. §103(a).

Thus, in view of the foregoing, it is firmly believed that the present application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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